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Crl.O.P.No.2706 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 03.09.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.2706 of 2024  
& Crl.M.P.No.1956 of 2024

1. S.Thirumalaivasan.
2. K.Semmalai.
3. M.Ranganthan.
4. S.Udaiyasurian.
5. K.Subramani.
6. S.Pownambal.
7. S.Pandian.

... Petitioners

**/versus/**

1. State Represented by its  
The Inspector of Police,  
Nallanpillaipetral Police Station,  
Villupuram District.

2. Murugan.

...Respondents

**Prayer:** Criminal Original Petition is filed under Section 482 of Cr.P.C., to issue suitable directions to the Learned Assistant Sessions Judge, Gingee, Villupuram District to put the S.C.No.352 of 2013 for judgment and after the decide the trial for the S.C.No.500 of 2013 in accordance with law.

For Petitioner : Mr.M.Prabhakar

For R1 : Mr.S.Udaya Kumar,  
Government Advocate (Crl.Side)



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## **ORDER**

It is a case and counter both has ended up in filing final report and pending before the Learned Assistant Sessions Judge, Gingee in S.C.No.352 of 2013 and S.C.No.500 of 2013.

2. This Criminal Original Petition is filed seeking direction to the Learned Assistant Sessions Judge, Gingee, Villupuram, to first complete the examination of witnesses and other procedures in S.C.No.352 of 2013 and reserve the judgment and thereafter, to taken up the trial in S.C.No.500 of 2013.

3. This Court has considered such situations and after reference to a full Bench, the Full Bench in its judgment rendered in ***T.Balaji and others vs. The State Rep. by, The Inspector of Police, New Washermenpet Police Station, Chennai*** (Crl.O.P.No.4587 of 2023, dated 08.08.2024), has directed the trial Court to follow the judgment of ***Ekambaram v. Sundaramurthy and State*** reported in ***1988 LW (Cri) 127*** in case of this nature.



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4. It is needless to say that the trial should complete in first case and thereafter, the trial to commence in other case. Simultaneous trial shall go on following the dictum laid down in ***Ekambaram*** case *cited supra* which is reiterated by this Court in ***T.Balaji*** case *cited supra* in paragraph No.58 B (b) '*Post Cognizance and Trial in a case and case in counter*', and shall proceed and render judgment.

5. With this observation, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

03.09.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

1. The Learned Assistant Sessions Judge, Gingee, Villupuram District.

2. The Inspector of Police, Nallanpillaipetral Police Station, Villupuram District.

3. The Public Prosecutor, High Court, Madras.



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**Dr.G.JAYACHANDRAN, J.**

bsm

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